

Superior Court of California
County of Alameda

Families & Children's Bureau

Email: Families&ChildrensBureau@alameda.courts.ca.gov

Preparing For Mediation When Domestic Violence Is An Issue

“The perpetration of child abuse or domestic violence in a household where a child resides is detrimental to the child” (California Family Code Section 3020)

The goal of mediation is to assist you in developing a parenting plan that is good for your children, consistent with the terms of any existing restraining order, and provides for the safety of everyone in the family. The mediator cannot and will not make a determination that is binding on the Court as to whether the alleged violence actually occurred.

- **If there is a restraining order in place.**
 - Tell the support staff when you call to schedule an appointment.
 - Tell your mediator if you did not give the information to the support staff.
 - Bring your restraining order papers to your appointment.

- **Your appointment will be scheduled separately from the other party.**
 - If you want to meet together with the other party and there is a restraining order in place, there must be a **specific exception written on the restraining order that allows you and the other party** to have brief and peaceful contact to talk about your children.
 - If you and the other party agree to meet together then the mediator will have you sign an “Agreement to Mediate Together Form” before the meeting starts.

- **California law allows you to bring a support person with you to your appointment if you allege that the other party has perpetrated domestic violence against you.**
 - Your support person may not participate in the session.
 - Your support person is only there to provide emotional support for you.

- **Collect copies of documents for the mediator to review.**
 - The mediator may want to see documents that are directly relevant to the allegations of domestic violence, such as police reports, medical records, restraining orders, or letters from teachers, childcare providers or therapists.
 - **The other party must be given an opportunity to review any documents you show to the mediator.**

- **Important note about California Family Code Section 3044.**
 - Family Code Section 3044 spells out rules that the Court must follow in granting custody to parents when there has been a finding of Domestic Violence. You will be given a copy of this Code section before your mediation. *Be sure to read it.* You should understand your rights regarding custody of your child before your mediation.